

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ROBERT R. GAGNE

PLAINTIFF

V.

CIVIL ACTION NO.1:06CV711 LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY, ET AL.

DEFENDANTS

MEMORANDUM OPINION

The Court has before it the motion [99] of Plaintiff Robert R. Gagne concerning the use of depositions and witness statements during the trial of this matter and during the discovery process.

The use of depositions in court proceedings is governed by Rule 32 of the Federal Rules of Civil Procedure. This rule will be followed in this case unless good cause is shown at the pre-trial conference for a departure from that rule. Unless it comes within an exception, unsworn witness statements are hearsay and are inadmissible under Rule 801, et. seq. of the Federal Rules of Evidence. The expert witness's use of depositions, statements, and other materials which are not necessarily admissible as evidence is governed by Rule 703 of the Federal Rules of Evidence.

Accordingly it is hereby

ORDERED

That the motion [99] of the Plaintiff Robert R. Gagne is **DENIED** to the extent it calls for a departure from the Federal Rules of Evidence or from the Federal Rules of Civil Procedure.

SO ORDERED this 26th day of March, 2008.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE